

information against the said Steinbock and Patrick, with the result hereinbefore stated.

H. W. WILEY,
F. L. DUNLAP,
Board of Food and Drug Inspection.

Approved:

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., August 27, 1908.

(N. J. 15.)

ADULTERATION AND MISBRANDING OF WHISKEY.

(Neutral spirits artificially colored.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 7th day of July, 1908, in the district court of the United States for the western district of New York, in a proceeding of libel for condemnation of an adulterated and misbranded liquor, that is to say, 88 cases labeled and branded "Canadian Whiskey, Gooderham & Worts," wherein the United States was libelant and Daniel H. Person, William Person, and Frank P. Person, doing business under the firm name and style of C. Person's Sons, of Buffalo, N. Y., were claimants and defendants, the cause having come on for a hearing and the said claimants having failed to answer, a decree of forfeiture and condemnation was rendered in substance and in form as follows:

United States District Court, Western District of New York.

THE UNITED STATES OF AMERICA, <i>Libelant,</i>	} No. 79.
<i>vs.</i>	
93 CASES, CONTAINING 12 BOTTLES EACH, OF	
ALLEGED WHISKEY, AND DANIEL H. PERSON,	
WILLIAM PERSON, AND FRANK P. PERSON,	
DOING BUSINESS UNDER THE FIRM NAME AND	
STYLE OF C. PERSON'S SONS, <i>Defendants.</i>	

On motion of Lyman M. Bass, attorney of the United States in and for the western district of New York, and attorney for the libelant herein, and it appearing to the court that upon the libel filed herein on June 3rd, 1908, monitions were issued and the above-named defendants were cited to appear on June 30, 1908, and that a warrant of arrest was duly issued and served on June 4th, 1908, and that by virtue of the said warrant the marshal has seized eighty-eight cases, containing 12 bottles each, of alleged whiskey, the said eighty-eight cases, containing 12 bottles each, with contents, having been in the possession of Daniel H. Person, William Person, and Frank P. Person, doing business under the firm name and style of C. Person's Sons, and now being

stored in the custody of the said marshal; and it further appearing that due and legal notice and proclamation were given to all other persons having any claim, right, or interest herein to appear on said June 30, 1908, and answer the exigencies of the said libel; and on said return day the matter having been duly adjourned one week to the 7th day of July, 1908, and the said Daniel H. Person, William Person, and Frank P. Person, doing business under the firm name and style of C. Person's Sons, having defaulted in filing answer to the said libel, but appearing in person and by their representatives, and consenting hereto, and no objection having been signified to the court, it is, on this 7th day of July, 1908,

Ordered, adjudged, and decreed, That the said eighty-eight cases, containing twelve bottles each, with contents, as aforesaid, branded "Canadian Whisky," etc., be, and they are, hereby declared to be misbranded and adulterated in violation of the act of June 30th, 1906, as charged in the said libel.

And it is further ordered, That the said eighty-eight cases, containing twelve bottles each, with contents as aforesaid, branded "Canadian Whisky," etc., be, and they are, hereby condemned and ordered to be disposed of by sale of the said contents as prayed for in the said libel, and provided for in the said act of June 30, 1906.

It is further ordered, That the proceeds of the said sale, less the legal costs and charges, shall be paid into the Treasury of the United States.

It is provided, however, That upon the payment of all the costs of the proceedings herein, including the costs of hauling, storage, watchman, and all costs incident to or contracted in these proceedings, and the execution and delivery by the said Daniel H. Person, William Person, and Frank P. Person, doing business under the firm name and style of C. Person's Sons, to the libellant of a good and sufficient bond in the penalty of \$2,000, conditioned that the said eighty-eight cases, containing twelve bottles each, with contents branded "Canadian Whisky," as aforesaid, shall not be sold or otherwise disposed of contrary to the provisions of the said act of June 30, 1906, the said marshal shall redeliver the said eighty-eight cases, containing 12 bottles each, as aforesaid, to the said Daniel H. Person, William Person, and Frank P. Person, doing business under the firm name and style of C. Person's Sons, in lieu of disposing of them by sale as aforesaid, the said bond to be filed herein, if at all, on or before the 12th day of July, 1908.

Dated, Buffalo, N. Y., July 7th, 1908.

(Signed) JOHN R. HAZEL,
United States Judge.

The facts upon which the case was based were as follows:

On or about May 24, 1908, an inspector of the Department of Agriculture found in the warehouse of C. Person's Sons at Buffalo a number of cases of a liquor purporting to be whiskey. The cases were branded "Canadian Whiskey" and each contained 12 bottles bearing the brand "Canadian Rye Whiskey." The name of Gooderham & Worts, of Toronto, Canada, appeared on the label of each case and bottle as manufacturers, and the goods were imported by that firm and entered through the port of Buffalo, consigned to C. Person's Sons, and delivery duly made to them. An analysis of the sample of the goods was forthwith made in the Bureau of Chemistry of the Department of Agriculture, and the following results obtained and stated:

Proof -----	85.8
Grams per 100 liters of 100 proof alcohol:	
Total solids -----	291.9
Acids -----	9.8
Esters -----	12.1
Aldehydes -----	1.6
Furfural -----	None.
Fusel oil -----	16.0
Total color (degrees, brewer's scale) -----	19.8
Color insoluble in water (per cent) -----	0.0
Color soluble in ether (per cent) -----	0.0
Color insoluble in amyl alcohol (per cent) -----	73.0

These results showed that all of the color present was artificial and that the spirit was of the grade known as commercial alcohol.

On May 25, 1908, the facts were reported by the Secretary of Agriculture to the United States attorney at Buffalo, and libel for seizure and condemnation was duly filed in the district court of the United States for the western district of New York under section 10 of the act, alleging that the liquor in question was adulterated and misbranded, in the following language:

That the said liquor is adulterated with neutral spirits, and colored with caramel, the product being practically neutral spirits artificially colored in imitation of aged whiskey, thereby concealing inferiority, and is misbranded in that the product is an imitation of another product of distinctive name and quality, without being labeled "imitation," and without having the word "imitation" plainly stated upon the package in which the fluid or liquid is contained and offered for sale, and is further misbranded in that it is sold under the name of another article, and further misbranded in that it is labeled and branded so as to deceive and mislead all purchasers.

The seizure was forthwith made and notice given to said defendant to show reason why the said liquor was not subject to seizure and confiscation by the United States for the causes stated in the libel, and they having defaulted in filing answer, the decree hereinbefore set forth was rendered by the court.

H. W. WILEY,

F. L. DUNLAP,

Board of Food and Drug Inspection.

Approved:

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., August 27, 1908.

(N. J. 16.)

MISBRANDING OF A DRUG PRODUCT.

(Sartoin Skin Food.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regu-